

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JENNIFER L. MILLER,)	
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL J. ANDERSON, <i>et al.</i> ,)	Judge John R. Adams
)	
Defendants,)	Case No. 5:20-cv-01743-JRA
)	
and)	
)	
FIRSTENERGY CORP.,)	
)	
Nominal Defendant.)	

THE D&O DEFENDANTS' RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), the D&O Defendants make the following initial disclosures of witnesses and documents based on the information currently and reasonably available to them.¹ The D&O Defendants reserve the right to supplement these initial disclosures pursuant to Federal Rule of Civil Procedure 26(e).

A. Individuals Likely to Have Discoverable Information that the D&O Defendants May Use to Support Their Defenses

Preliminarily, the D&O Defendants identify the following witnesses who may have discoverable information supporting their defenses in this matter.

1. Any parties to this matter
2. Larry Householder
[address omitted]

¹ The "D&O Defendants" are certain current and former directors and officers (Steven E. Strah, K. Jon Taylor, Michael J. Anderson, Steven J. Demetriou, Julia L. Johnson, Donald T. Misheff, Thomas N. Mitchell, James F. O'Neil III, Christopher D. Pappas, Sandra Pianalto, Luis A. Reyes, and Leslie M. Turner).

Larry Householder is believed to have knowledge of some of the underlying factual allegations set forth in the complaint.

3. Juan Cespedes
[address omitted]

Juan Cespedes is believed to have knowledge of some of the underlying factual allegations set forth in the complaint.

4. Matt Borges
[address omitted]

Matt Borges is believed to have knowledge of some of the underlying factual allegations set forth in the complaint.

5. The Estate of Neil Clark
[address omitted]

Neil Clark is believed to have had knowledge of some of the underlying factual allegations set forth in the complaint.

6. Jeff Longstreth
[address omitted]

Jeff Longstreth is believed to have knowledge of some of the underlying factual allegations set forth in the complaint.

7. Jason Lisowski
c/o Michael Gladman
325 John H. McConnell Blvd., Suite 600
Columbus, Ohio 43215
Telephone: (614) 469-3939
mrgladman@jonesday.com

Mr. Lisowski has knowledge concerning FirstEnergy Corp.'s accounting practices and controls.

8. Sam Randazzo
[address omitted]

Mr. Randazzo is believed to have knowledge of some of the underlying factual allegations set forth in the complaint.

9. Current or former employees, agents, officers, and/or directors of Energy Harbor Corp. or its affiliates
341 White Pond Dr.
Akron, Ohio 44320

Energy Harbor is believed to have knowledge of some of the underlying factual allegations set forth in the complaint.

10. Ohio Representatives Jamie Callender and Shane Wilkin

As primary sponsors of House Bill 6, such House Members are believed to have knowledge and information about the passage of House Bill 6.

11. Ohio House and Senate Members who voted for House Bill 6

Such House and Senate Members are believed to have knowledge and information about the passage of House Bill 6.

12. Plaintiffs' tax preparers, accountants, brokers, financial advisors, and/or lawyers are believed to have knowledge of and discoverable information that may be used to support the D&O Defendants' defenses, including regarding Plaintiffs' investments and transactions in FirstEnergy Corp. securities, Plaintiffs' claims in the Complaint, and some of the underlying factual allegations set forth in the Complaint.

13. All individuals and entities identified by other parties in their initial disclosures

14. Individuals who may be identified during the course of discovery

B. Description by Category and Location of All Documents, Electronically Stored Information, and Tangible Things in the D&O Defendants' Possession, Custody, or Control that They May Use to Support Their Defenses

The D&O Defendants' investigation into the facts and circumstances of their claims and defenses in this matter is ongoing. Notwithstanding that limitation, and without waiving any right expressly reserved herein, the D&O Defendants offer the following description by category of discoverable documents, electronically stored information, and tangible things in their possession, custody, or control, which they may use to support their defenses in this action:

1. Documents related to internal control over financial reporting;
2. Documents related to corporate governance practices;
3. Documents related to controls for political and charitable contributions;
4. Documents related to state and local government affairs; and

5. Documents related to the structure of executive compensation.

In addition, the D&O Defendants may rely on any document produced by Plaintiffs or any third party or any publicly available document or information.

The D&O Defendants reserve the right to supplement their disclosures as to documents revealed through discovery regarding the claims and defenses at issue in this case.

C. Computation of Claimed Damages

The D&O Defendants do not claim any damages at this time.

D. Insurance Agreements

Upon entry of an appropriate protective order, the D&O Defendants will make available for inspection and copying the insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: October 28, 2021

/s/ Geoffrey J. Ritts

Geoffrey J. Ritts (0062603)

Robert S. Faxon (0059678)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114-1190

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

Email: gjritts@jonesday.com

Email: rfaxon@jonesday.com

Marjorie P. Duffy (0083452)

JONES DAY

325 John H. McConnell Boulevard, Suite 600

Columbus, Ohio 43215

Telephone: (614) 469-3939

Facsimile: (614) 461-4198

Email: mpduffy@jonesday.com

Attorneys for Defendants Michael J.

Anderson, Steven J. Demetriou, Julia L.

Johnson, Donald T. Misheff, Thomas N.

Mitchell, James F. O'Neil III, Christopher D.

Pappas, Sandra Pianalto, Luis A. Reyes,

Leslie M. Turner, Steven E. Strah, and K. Jon

Taylor

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically on October 28, 2021. Notice of this filing will be sent to all electronically registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Marjorie P. Duffy

Marjorie P. Duffy (0083452)

One of the Attorneys for Defendants Michael J. Anderson, Steven J. Demetriou, Julia L. Johnson, Donald T. Misheff, Thomas N. Mitchell, James F. O'Neil, III, Christopher D. Pappas, Sandra Pianalto, Luis A. Reyes, Leslie M. Turner, Steven E. Strah, and K. Jon Taylor